

Section 4 - Sample Provision Excerpt (Public Preview)

(6) No exterior antenna or aerial shall be maintained on the lots.
(7) Laundry facilities and any service or utility area, including any area for hanging clothes, must be completely screened from view on all sides.

ISSUE #1



MARKUP #1 ->



MARKUP #1 · STATUTORY EVICTION / LEASING VETO CONFLICT

BOARD & COUNSEL REVIEW

Sec. 4 (p. 7): Clause sets a 60-day minimum lease floor, whereas Princeville enforces a 180-day minimum stay. Because municipal zoning ordinances and HOA covenants operate as dual concurrent restrictions, the stricter standard governs (Effective Minimum = MAX(180 days City, 60 days HOA) = 180 days). Rentals of 60 to 179 days are illegal under Princeville code despite appearing permitted by the HOA text.

Statutory / Legal Reference: Kauai County Comprehensive Zoning Ordinance Ch. 8 Art. 17 (Transient Vacation Rentals under 180 days restricted to Visitor Destination Areas VDA such as Princeville VDA or pre-2008 TVR NCUs)

Statutory Comparison: Under the Federal Communications Commission OTARD Rule (47 C.F.R. § 1.4000), private covenants may not prohibit, require prior architectural approval for, or limit satellite dishes to 18/24 inches (federal protection covers dishes up to 1 meter / 39.37 inches in diameter), nor may they ban street-visible placement if an alternative location would preclude acceptable signal quality.

CURRENT WORDING IN DOCUMENT:

(6) No exterior antenna or aerial shall be maintained on the lots.
(7) Laundry facilities and any service or utility area, including any area for hanging clothes, must be completely screened from view on all sides.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Carve out satellite dishes up to one meter (39.37 inches) and TV/wireless antennas protected by 47 C.F.R. § 1.4000 from prior-approval and street-visibility bans, and align solar collector placement guidelines with HRS §§ 196-7 (Solar) & 196-7.5 (EV Charging Systems).